

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**June 19, 2013**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:45 to 9:22 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Rich Wood and Jeff Williams

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

**OPENING**

ZBA Vice-Chair Chuck Deluca opened the meeting at 7:45 PM. He then requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**POSTPONEMENTS AND CONTINUATIONS**

Mr. Deluca announced that the Public Hearing of Calendar No. 33-2013, the application of Carol Matton, 47 Old Farm Road, is opened and immediately continued without testimony to June 26, 2013, at the applicant's request.

Mr. Deluca announced that the Public Hearing of Calendar No. 34-2013, the application of McKee Patterson and Austin Patterson Disston on behalf of Richard and Wendy Hokin, 25 Shipway Road, is opened and immediately continued without testimony to June 26, 2013, at the applicant's request.

Mr. Deluca announced that the Public Hearing of Calendar No. 36-2013, the application of Mark Lebow and William W. Seymour & Associates on behalf of Thomas & Patricia Darling, 12 Glenwood Drive, is opened and immediately continued without testimony to June 26, 2013, at the applicant's request.

**PUBLIC HEARINGS**

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

**CALENDAR NO. 37-2013** - the application of Chad Nehring, AIA and Nehring + Associates Architects on behalf of Melanie Branca filed on May 22, 2013 for amendments to the approved plans in Calendar No. 58-2012 and variances of Sections 416 and 350 of the Darien Zoning Regulations; to allow the raising of the existing residence, the construction of additions and entry stairs; Section 416: 12.0 in lieu of 15.0 feet minimum required north side yard setback, 13.5 in lieu of 15.0 feet minimum required south side yard setback, and 26.0 in lieu of 30.0 feet minimum required front yard setback for the residence and additions; construction of additional building volume on a lot with 21.85 in lieu of 20.0% maximum allowable building coverage; and Section 350: 20.0 in lieu of 27.0 feet minimum required front yard setback for the entry stairs. The property is situated on the west side of Mayflower Road approximately 385 feet south of the intersection of Mayflower Road and Shipway Road and is shown on Assessor's Map #55 as Lot #45, being 16 Mayflower Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

Architect Chad Nehring answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Portions of neighbor Carolyn Miller's letter of concern were read and discussed. The Public Hearing was then closed.

**CALENDAR NO. 39-2013** - the application of Alan Kirk Gray and Darien Library on behalf of Darien Library Inc. filed on May 22, 2013 for variances of Section 424a of the Darien Zoning Regulations; to allow the installation of a generator; Section 424a: 1.0 in lieu of 8.0 feet minimum required rear yard setback and 1.0 in lieu of 8.0 feet minimum required side yard setback. The property is situated on the northwest corner of the intersection of Hecker Avenue and Boston Post Road and shown on Assessor's Map #39 as Lot #13, being 1441 Boston Post Road, and located in the SB and DOR-1 (Commercial) Zones with a MU (Municipal Use) zoning overlay.

Alan Gray answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## **DELIBERATIONS AND DECISIONS**

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

**CALENDAR NO. 37-2013** - The application of Chad Nehring, AIA and Nehring + Associates Architects on behalf of Melanie Branca, 16 Mayflower Road. Upon a motion by Jeff Williams, seconded by Rich Wood, the ZBA voted 4-0 to GRANT WITH STIPULATIONS the above delineated, requested amendments and variances.

**CALENDAR NO. 39-2013** - The application of Alan Kirk Gray and Darien Library on behalf of Darien Library Inc., 1441 Boston Post Road. Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 4-0 to GRANT the above delineated, requested variance.

### **OTHER BUSINESS**

The following additional matters were discussed and/or decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Status of compliance with the approved plans of Calendar No. 55-2008, Tov and Kate Haueisen, 103 West Avenue.

ZBA staff briefly explained that project construction resulted in changes from the approved plans and applicant commitments. No explanatory information was provided by the owner and no ZBA action was taken on the matter.

Status of compliance with the approved plans of Calendar No. 26-2012, Paul F. & Amy J. Darrah, 11 Peabody Lane.

ZBA staff explained that project construction resulted in changes from the approved plans and applicant commitments. A ZBA subcommittee previously reviewed the circumstances and requested an accurate compilation of the original house, the previous plans, and the asbuilt construction. The project applicant and builder appeared and provided some explanatory information. The ZBA determined that information was insufficient and continued this matter to the ZBA meeting on July 17, 2013 at the applicant's request.

Requested six month extension, received June 13, 2013, to obtain all required permits and begin on-site construction for ZBA Calendar No. 33-2012, Anton Tinaj, 114 Hecker Avenue. The Public Hearing of this matter was July 25, 2012. Initial ZBA approval would have expired on February 3, 2013. Following a January 28, 2013 request, on February 13, 2013 the ZBA granted a six month extension to August 3, 2013.

Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE a six month extension.

Review and approval of 2014 Meeting Schedule.

This matter was tabled until the scheduled ZBA meeting on July 17, 2013.

Election of Officers.

This matter was tabled until the scheduled ZBA meeting on July 17, 2013.

Approval of Minutes of meeting on April 24, 2013. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Gary Greene, Stephen Olvany, and Ruth Anne Ramsey.

Upon a motion by Vic Capellupo, seconded by Chuck Deluca, the ZBA voted 2-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on May 15, 2013. ZBA members attending this meeting were Vic Capellupo, Jeff Williams, John Ashburne and Rich Wood.

Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 3-0 to APPROVE the subject minutes. Jeff Williams, Vic Capellupo and Rich Wood voted in favor of the motion.

ADJOURNMENT

The meeting was adjourned at 9:22 PM.

These Meeting Minutes,  
Respectfully submitted June 24, 2013,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff

*These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Chuck Deluca, seconded by Vic Capellupo, approved by a vote of 3-0 at the ZBA meeting on July 17, 2013. Vic Capellupo, Gary Greene and Rich Wood voted in favor of the motion.*